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10/045,301	10/26/2001	Robert S. Bosko	0006-0023	1272

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07/16/2003

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EXAMINER

MENON, KRISHNAN S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,301

Applicant(s)

BOSKO, ROBERT S.

Examiner

Krishnan S Menon

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1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-8,10-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-8,10-15 and 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims 1,4,6-8,10-15 and 17-31 are pending. 2,3,5,9 and 16 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 20-25, 27 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boulter (US 6,093,312).

Boulter (312) teaches a water-using unit (16 – fig 6), treated water source (8-fig 6), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit (ice-maker 2028, fig 24, and cooler system 2030-2033, fig 19) as in instant claim 20.

Boulter (312) teaches RO system and reservoir as in instant claims 21-23 (10, 2301, 8 – fig 24; col 6 lines 21-35), icemaker as in claim 25 (2300-fig 23).

Re claim 24: Boulter (312) teaches a water-using unit (fig 23), treated water source (2300), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit (water dispenser – ozonator 16,17-fig 7) as in instant claim 20, with treated water source comprising a reservoir (2300) as in claim 23 and further comprising a cooling source (2019) and said reservoir in cooling proximity to said cooling source (see fig 32) as in claim 24.

Re claim 27: Boulter (312) teaches a water-using unit (fig 23), treated water source (2300), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit

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(water dispenser – ozonator 16,17-fig 7) as in instant claim 20, host system comprises an ice-maker as in claim 25 (2019), and the treated water source is a reservoir (2300), ice maker has a cooling source, and the reservoir is in cooling proximity to the cooling source (see fig 32) as in claim 27.

Re claim 31, Boulter teaches a water-using unit (ice-maker 2028: fig 24); a water source integral with the unit (RO system 8-10; inside the kiosk: col 6 lines 62-63); a reservoir with the source (2301); a host system performing functions coupled to the source (see figures); a control system (see fig); a cooling source located in cooling proximity to the reservoir (see fig 32 – ice maker is a cooling source in cooling proximity to the reservoir 2301).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1,4,8,10, 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (US 6,093,312) in view of Voznick et al (US 5,256,279).

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Boulter (312) teaches a water-using unit (fig 23), treated water source (2300), a host system (fig 24,26), control system (fig 24,26), and a separate remote unit coupled to the unit (water dispenser – ozonator 16,17-fig 7) as in instant claim 1. Boulter does not teach a flexible reservoir for 2300 as in claim 1. Voznick teaches a reservoir having a bladder in which the reverse osmosis water is inside the bladder (fig 4,5; col 6 lines 19-34). It would be obvious to one of ordinary skill in the art at the time of invention to use the teaching of Voznick in the teaching of Boulter to have the RO water inside the bladder for controlling the water stored in the bladder as taught by Voznick.

The host system comprises an icemaker as in claim 8 (2019), and the treated water source is a reservoir (2300), icemaker has a cooling source, and the reservoir is in cooling proximity to the cooling source (see fig 32) as in claims 4 and 10. The cooling source comprises ice as in claim 12. Water not frozen in the icemaker is returned to the reservoir as in claim 14 (see fig 32).

Re claim 13, Boulter in view of Voznick does not specifically state a pulsating flow to the icemaker. However, Boulter (312) teaches a pump, Hoshizaki Model KM1600S (col 6 lines 66-67), which could pulse the water to the icemaker. It would be obvious to one of ordinary skill in the art at the time of invention to have pulsating flow to the icemaker due to such a pump as taught by Boulter (312).

3. Claims 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (312) in view of Credde Jr. (US 5,992,685).

Boulter (312) teaches all the limitations of claim 20. Claims 26 and 28-30 add further limitations as follows: beverage dispenser as in instant claims 26 and 28. Credde (685) teaches a water-using unit with a beverage dispenser as in instant claims 26 and 28 (see figures and abstract). It would be obvious to one of ordinary skill in the art at the time of invention to have the Boulter

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R/O system coupled/connected to the beverage dispenser of Credle (685) to have a filtered fluid before dispensing as taught by Credle. (figure 2, R/O before dispensing)

4. Claims 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (312) in view of Voznick (279) as in claim 1 above, and further in view of Credle (685).

Instant claims add further limitations, which Boulter in view of Voznick does not teach but taught by Credle as follows: Credle (685) teaches a water-using unit with host system (see fig 1 and 12), the system comprises a beverage dispenser including a cooling source (abstract), and a reservoir (34 and 90 -fig 6, col 3 lines 54-57) proximate to the cooling source as in instant claim 15 and 17; the system includes carbonator, supply of syrups and flavors as in instant claim 18 and 19 (abstract, fig 5-8). It would be obvious to one of ordinary skill in the art at the time of invention to use the teaching of Credle in the teaching of Boulter in view of Voznick to have a beverage dispenser as taught by Credle as an added feature to the water dispenser and to have the Boulter R/O system coupled/connected to the beverage dispenser of Credle (685) to have a filtered fluid before dispensing as taught by Credle. (figure 2, R/O before dispensing).

5. Claims 6,7,11 and 12 are rejected under 35 U.S.C. 102(a) as unpatentable over Boulter in view of Voznick as in claim 1 above and further in view of Blades (US 5,536,411).

Instant claims add further limitations not taught by Boulter in view of Voznick, but taught by Blades (411) as follows: condenser with the host system using RO reject water as in claim 6, inlet water as in instant claim 7 and cooling source comprising ice as in claim 12 (abstract, col 5 lines 45-67), the cooling source has an evaporator as in instant claim 11 (fig 4, col 5 lines 49-55). It would be obvious to one of ordinary skill in the art at the time of invention to use the teachings of Blades in

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the teaching of Boulter in view of Voznick for energy recovery as taught by Blades in the 'Boulter in view of Voznick' system.

Response to Arguments

Applicant's arguments filed 5/16/03 have been fully considered but they are not persuasive.

Argument re Boulter not having a flexible reservoir: Moot in view of the new grounds for rejection.

Argument re Boulter system not integral: The definition of "integral" from the applicant's specification appears to be 'being within a box' as shown by the box 10 of Fig 1. The term "remote" by para 0010 and 0011 could mean not linked together, like the source and the icemaker being integral, with the beverage dispenser being remote, as not connected/linked to the icemaker. Boulter does teach an integrated system with an ozonated water dispenser integral with the water source (which could be just the reservoir – see specification para 10); an icemaker separated or remote from the water dispenser; or a water source (reservoir) integral with the icemaker, with a remote ozonated water dispenser.

Argument re the reservoir being in proximity to the cooling source as in claim 24, reservoir 2300 is in cooling proximity to the cooling source 2019 in fig 7.

Argument re Blades ref is moot in view of the new grounds of rejection.

Argument re Boulter + Credle reference: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See

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In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Credle teaches a modular dispensing unit that could be used to retrofit existing water dispenser units (see abstract and col 1 lines 5-40). One would be motivated to use a beverage dispenser as an added feature to the water dispenser of Boulter, and to use the RO water from Boulter for the beverage dispenser of Credle.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization

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where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan Menon
Patent Examiner
July 10, 2003


W. L. WALKER
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